

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESUS NOEL GARFIO, and JENNA LYNN
MARTINEZ,

Defendants.

8:19-CR-296

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the United States of America's Motion for Preliminary Order of Forfeiture. [Filing 36](#). The Court has reviewed the record in this case and, being duly advised in the premises, finds as follows:

1. On September 18, 2019, a federal grand jury sitting in this District returned a two count Indictment against Jesus Noel Garfio and Jenna Lynn Martinez. Count One charged Defendants with distribution and possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1). Count Two charged defendants with distribution and possession with intent to distribute heroin, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1). There was a Forfeiture Allegation contained in the Indictment which sought the forfeiture of \$16,747.00 U.S. currency pursuant to 21 U.S.C. § 853.
2. Defendant Jesus Noel Garfio entered into a Plea Agreement, [Filing 35](#), whereby he agreed to enter a plea of guilty to Count One of the Indictment and admit to the Forfeiture Allegation.
3. Defendant Jenna Lynn Martinez entered into a Plea Agreement, [Filing 30](#), whereby she agreed to enter a plea of guilty to Count One of the Information and admit to the Forfeiture Allegation.
4. The Forfeiture Allegation alleged that the \$16,747.00 in United States Currency seized from Defendants was used to facilitate the offenses or that the currency was derived from proceeds obtained directly or indirectly as a result of the commission of the offense.
5. By virtue of Defendants' pleas of guilty and their admissions to the Forfeiture Allegations, Defendants have forfeited their interests in the subject currency. Accordingly, the United States should be entitled to possession of said currency pursuant to 21 U.S.C. § 853.
6. The Motion for Preliminary Order of Forfeiture should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. The Motion for Preliminary Order of Forfeiture, [Filing 36](#), is hereby granted.
2. Based upon the Forfeiture Allegation in the Indictment and the pleas of guilty, the United States is hereby authorized to seize the \$16,474.00 U.S. currency.
3. Defendants' interests in the \$16,474.00 U.S. currency is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The United States shall hold the currency in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of this Preliminary Order of Forfeiture for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency.
6. Pursuant to 21 U.S.C. § 853(n)(2), such notice shall provide that any person, other than Defendants, having or claiming a legal interest in any of the property must file a petition with this Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.
7. Pursuant to 21 U.S.C. § 853(n)(3), a petitioner must sign the petition under penalty of perjury and set forth the nature and extent of the petitioner's right, title or interest in the property and any additional facts supporting the petitioner's claim and the relief sought.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 § U.S.C. 853(n), in which all interests will be addressed.

Dated this 7th day of February, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge